

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 20-50314

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2020

Lyle W. Cayce
Clerk

D.C. Docket No. 1:20-CV-323

SOUTHWESTERN WOMEN'S SURGERY CENTER; BROOKSIDE
WOMEN'S MEDICAL CENTER, P.A., doing business as Brookside Women's
Health Center and Austin Women's Health Center; ROBIN WALLACE, M.D.,
M.A.S.; HOUSTON WOMEN'S CLINIC; PLANNED PARENTHOOD
CENTER FOR CHOICE; PLANNED PARENTHOOD OF GREATER TEXAS
SURGICAL HEALTH SERVICES; PLANNED PARENTHOOD SOUTH
TEXAS SURGICAL CENTER; WHOLE WOMAN'S HEALTH; WHOLE
WOMAN'S HEALTH ALLIANCE,

Plaintiffs - Appellees

v.

GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS, in his official
capacity; KEN PAXTON, in his official capacity as Attorney General of Texas;
PHIL WILSON, in his official capacity as Acting Executive Commissioner of
the Texas Health and Human Services Commission; STEPHEN BRINT
CARLTON, in his official capacity as Executive Director of the Texas Medical
Board; KATHERINE A. THOMAS, in her official capacity as the Executive
Director of the Texas Board of Nursing,

Defendants – Appellants

Appeal from the United States District Court for the
Western District of Texas

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

J U D G M E N T

This cause was considered on emergency motion to for stay.

It is ordered and adjudged that the appeal is dismissed for lack of jurisdiction.



Certified as a true copy and issued
as the mandate on Apr 20, 2020

Attest:

Jyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

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USDC No. 1:20-CV-323

No. 20-50314

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Defendants-Appellants appeal the order entered by the district court on April 9, 2020 and extended on April 14, 2020. Temporary restraining orders are not appealable; however, an order styled a temporary restraining order may be appealed if its “actual content, purport, and effect” is that of a preliminary injunction. *Smith v. Grady*, 411 F.2d 181, 186 (5th Cir. 1969); *see also* 28 U.S.C. § 1292. We conclude that the orders involved here are properly understood as an extended temporary restraining order and that we lack jurisdiction over the appeal. Accordingly, we DISMISS this appeal for want of jurisdiction and DENY AS MOOT the emergency motion to stay.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

April 20, 2020

Ms. Jeannette Clack
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

No. 20-50314 Planned Parenthood Center, et al v. Greg
Abbott, Governor of TX, et al
USDC No. 1:20-CV-323

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate and a
copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Peter A. Conners, Deputy Clerk
504-310-7685

cc:

Mrs. Molly Rose Duane
Ms. Heather Gebelin Hacker
Mr. Kyle Douglas Hawkins
Ms. Julie A. Murray
Ms. Jennifer Sandman
Mr. Andre Segura
Ms. Rupali Sharma
Mr. Andrew Bowman Stephens
Ms. Hannah Swanson
Mrs. Natalie Deyo Thompson
Ms. Stephanie Toti